

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO

In re:) Case No. 19-14375
ALEXANDER PATTON)
NANCY PATTON) Chapter 13
Debtors) Judge HOPKINS
)

MOTION FOR REFERRAL TO MORTGAGE MODIFICATION MEDIATION

Now comes Alexander Patton and Nancy Patton (the “Debtor,” whether individually or collectively) and requests entry of an order referring the Debtor and Freedom Mortgage Corporation (the “Creditor(s)”) to Mortgage Modification Mediation (“MMM”).

Memorandum in Support¹

(1) Debtor wishes to retain the real property located at the following street address: 5152 Headgates Road, Hamilton, Ohio 45011 (the “Real Property”).

(2) The Real Property is (check one box):

the Debtor’s primary residence.

not the Debtor’s primary residence

(3) Borrowers obligated on the promissory note or who have executed the mortgage that is secured by the Real Property are (check one box):

the Debtor only.

the Debtor and non-filing co-obligor/co-borrower/third party:

Contact information for co-obligor/co-borrower/third party:

Name: _____

Address: _____

Name: _____

Address: _____

Other (explain): _____

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Court’s Mortgage Modification Mediation Program and Procedures, which is available on the Court’s website at (www.ohsb.uscourts.gov).

(4) If applicable, the Debtor has filed with this Motion the *Third Party Consent to Participate in MMM* signed by each co-obligor/co-borrower/third party listed above.

(5) The mortgage loan account number affiliated with the Real Property is 6694.

(6) The Debtor would like to modify the terms of the mortgage encumbering the Real Property. The Debtor believes that mediation will assist the parties in negotiating a mortgage modification.

(7) The Debtor will provide for adequate protection payments to the Creditor in accordance with the MMM Procedures.

(8) The Debtor's Initial MMM Package is complete and ready for signature and submission. The Debtor's *Certificate of Document Preparation* and *Certification of MMM Eligibility and Readiness* are attached to this Motion.

WHEREFORE, the Debtor requests the entry of an *Order Directing MMM* and for such additional relief as the Court deems just and proper.

Respectfully submitted,

/s/ Scott D Augsback
Scott D Augsback (OH 0093637
Minnillo Law Group Co., LPA
2712 Observatory Ave
Cincinnati OH 45208
Ph: 513-723-1600
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sda@mlg-lpa.com

NOTICE OF MOTION

The Debtor has filed a *Motion for Referral to Mortgage Modification Mediation*.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one. If you do not want the Court to grant the relief sought in the motion, then on or before **twenty-one (21) days from the date set forth in the certificate of service for the motion**, you must file with the Court a response explaining your position by mailing your response by first class mail to:

United States Bankruptcy Court, Clerk's Office 221 E. Fourth Street, Atrium Two Suite 800, Cincinnati, Ohio 45202

OR your attorney must file a response using the Court's ECF System.

The Court must **receive** your response on or before the above date.

You must also send a copy of your response either by 1) the Court's ECF System or by 2) first class mail to:

Alex and Nancy Patton, 5152 Headgates Road, Hamilton, Ohio 45011
Margaret A. Burks, Chapter 13 Trustee 600 Vine Suite 2200. Cincinnati, Ohio 45202
United States Trustee 550 MAIN STREET, SUITE 4-812 CINCINNATI, OH 45202

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion and may enter an order granting the relief without further hearing or notice.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Motion for Referral to Mortgage Modification Mediation* was served **electronically** on the date of filing through the Court's ECF System on all ECF participants registered in this case at the email address registered with the Court and by first class US mail on April 28, 2022 addressed to:

Alex and Nancy Patton, 5152 Headgates Road, Hamilton, Ohio 45011
Freedom Mortgage Corporation, 10500 Kincaid Blvd, Fishers, IN 46037-9764
Freedom Mortgage, CT Corporation System, 4400 Easton Commons Way, Ste 125, Columbus OH 43219

/s/ Scott D Augsback
Scott D Augsback (OH 0093637)

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

In re:) Case No. 19-14375
ALEXANDER PATTON)
NANCY PATTON) Chapter 13
Debtors) Judge HOPKINS
)

CERTIFICATION OF MORTGAGE MODIFICATION
MEDIATION ELIGIBILITY AND READINESS

I. CERTIFICATION OF THE DEBTOR(S)

Alexander and Nancy Patton (the “Debtor,” whether individually or collectively) hereby certifies that:

(1) Debtor shall act in good faith throughout the entirety of the Mortgage Modification Mediation (“MMM”) Period,¹ including but not limited to, promptly responding to all inquiries through the Portal and providing all requested documentation and information.

(2) Unless otherwise ordered by the Court, Debtor will make adequate protection payments to be paid by the Chapter 13 Trustee to the Creditor in the amount of \$ 1,031.12 each month during the MMM Period, which payment amount meets the adequate protection requirements set forth in the MMM Procedures.

(3) Debtor understands that commencing the MMM is voluntary, and that Debtor is not required to enter into any agreement or settlement with any other party, and no other party is required to enter into any agreement or settlement with Debtor as part of the MMM.

(4) Debtor understands that Debtor is not required to request dismissal of this case as part of any resolution or settlement that is offered or agreed to during the MMM.

(5) Debtor understands that if Debtor does not fully comply with the requirements of the MMM, Debtor’s participation in the MMM may be terminated.

(6) Debtor has completed the Document Preparation Software requirements. Debtor’s Initial MMM Package has been completed and is ready for signature and submission.

(7) Debtor understands and agrees that upon entry of an *Order Directing MMM*, Debtor will be required to (i) pay a Portal fee directly to the approved Portal vendor, and, if applicable, (ii) provide for payment of one-half of the Facilitator Fee.

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Court’s Mortgage Modification Mediation Program and Procedures, which is available on the Court’s website at (www.ohsb.uscourts.gov).

Date: 4/26/2022

/s/Alexander Patton
Debtor

Date: 4/26/2022

/s/Nancy Patton
Joint-Debtor

II. CERTIFICATION OF MMM ELIGIBILITY AND READINESS

The undersigned counsel represents the Debtor in the above-captioned case and hereby certifies that:

- (1) I have discussed the details of the Court's MMM Program with Debtor.
- (2) I performed adequate due diligence to determine Debtor's eligibility for the MMM.
- (3) In light of my due diligence, I am aware of no reasons why the commencement of the MMM in this case would be futile or otherwise contrary to reasonable expectations of a successful outcome.
- (4) I have fully complied with the requirements set forth in the MMM Procedures and I am prepared to upload the required documents to the Portal upon entry of an *Order Directing MMM*.

Respectfully submitted,

/s/ Scott D Augsback
Scott D Augsback (OH 0093637
Minnillo Law Group Co., LPA
2712 Observatory Ave
Cincinnati OH 45208
Ph: 513-723-1600/Fx: 513-723-1620
sda@mlg-lpa.com

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing *Certification of Mortgage Modification Mediation Eligibility and Readiness* was served **electronically** on the date of filing through the Court's ECF System on all ECF participants registered in this case at the email address registered with the Court and by first class US mail on April 28, 2022 addressed to:

Alex and Nancy Patton, 5152 Headgates Road, Hamilton, Ohio 45011
Freedom Mortgage Corporation, 10500 Kincaid Blvd, Fishers, IN 46037-9764
Freedom Mortgage, CT Corporation System, 4400 Easton Commons Way, Ste 125, Columbus OH 43219

/s/ Scott D Augsback
Scott D Augsback (OH 0093637)

Certification of Document Preparation

This *Certification of Document Preparation* shall confirm that the following borrower has successfully completed docUmods:

- Borrower Name:**
- Mailing Address:**
- Property Address:**
- Bankruptcy Jurisdiction:**
- Bankruptcy Case No.:**
- Mortgage Servicer:**
- Mortgage Loan No.:**
- Invoice No.:**

Please be sure to sign and date all forms and gather all supporting documents.

Sincerely,

Default Mitigation Management LLC